

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,

v.

XAVIER JAY REYES,  
Defendant.

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CRIMINAL NO: 4:21-CR-165

**NOTICE OF DECLARATION OF PUBLICATION**

The United States of America has published notice of this forfeiture action as stated in the attached and incorporated declaration.

Respectfully Submitted,

Jennifer B. Lowery  
United States Attorney  
Southern District of Texas

By: s/Stephanie Bauman  
Stephanie Bauman  
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**DECLARATION OF PUBLICATION**

In accordance with 21 U.S.C. § 853(n)(1) and Rule 32.2(b)(6)(C) of the Federal Rules of Criminal Procedure, notice of Criminal Forfeiture was posted on an official government internet site ([www.forfeiture.gov](http://www.forfeiture.gov)) for at least 30 consecutive days, beginning on September 7, 2022, and ending on October 6, 2022, as evidenced by Attachment 1.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 31, 2022, at Houston, Texas.

Virginia Smith  
Virginia Smith  
Paralegal III  
Contractor—Centre Law & Consulting  
United States Attorney's Office  
1000 Louisiana, Suite 2300  
Houston, Texas 77002

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
COURT CASE NUMBER: 4:21-CR-00165; NOTICE OF FORFEITURE**

Notice is hereby given that on August 19, 2022, in the case of U.S. v. Xavier Jay Reyes, Court Case Number 4:21-CR-00165, the United States District Court for the Southern District of Texas entered an Order condemning and forfeiting the following property to the United States of America:

a black Apple iPhone X SN: G6TVRLR9JCLF;

a black Apple iPhone 11 SN: DX4DPUUYN72J;

a Samsung Galaxy S8 IMEI: 355989083664826;

a black Apple iPhone SN: GHLYM1CZJCLF; and

a black Apple iPhone 11 SN: C6KCJ9YDN72J which was seized from Xavier Jay Reyes on March 08, 2021, in Houston, TX.

The United States hereby gives notice of its intent to dispose of the forfeited property in such manner as the United States Attorney General may direct. Any person, other than the defendant(s) in this case, claiming interest in the forfeited property must file an ancillary petition within 60 days of the first date of publication (September 07, 2022) of this Notice on this official government internet web site, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(n)(1). The ancillary petition must be filed with the Clerk of the Court, U.S. District Courthouse, 515 Rusk, Houston, TX 77002, and a copy served upon Assistant United States Attorney Stephanie Bauman, 1000 Louisiana, Suite 2300, Houston, TX 77002. The ancillary petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought, pursuant to 21 U.S.C. § 853(n).

Following the Court's disposition of all ancillary petitions filed, or if no such petitions are filed, following the expiration of the period specified above for the filing of such ancillary petitions, the United States shall have clear title to the property and may warrant good title to any subsequent purchaser or transferee.

The government may also consider granting petitions for remission or mitigation, which pardon all or part of the property from the forfeiture. A petition must include a description of your interest in the property supported by documentation; include any facts you believe justify the return of the property; and be signed under oath, subject to the penalty of perjury, or meet the requirements of an unsworn statement under penalty of

perjury. See 28 U.S.C. Section 1746. For the regulations pertaining to remission or mitigation of the forfeiture, see 28 C.F.R. Sections 9.1 - 9.9. The criteria for remission of the forfeiture are found at 28 C.F.R. Section 9.5(a). The criteria for mitigation of the forfeiture are found at 28 C.F.R. Section 9.5(b). The petition for remission need not be made in any particular form and may be filed online or in writing. You should file a petition for remission not later than 11:59 PM EST 30 days after the date of final publication of this notice. See 28 C.F.R. Section 9.3(a). The <https://www.forfeiture.gov/FilingPetition.htm> website provides access to a standard petition for remission form that may be mailed and the link to file a petition for remission online. If you cannot find the desired assets online, you must file your petition for remission in writing by sending it to Assistant United States Attorney Stephanie Bauman, 1000 Louisiana, Suite 2300, Houston, TX 77002. This website provides answers to frequently asked questions (FAQs) about filing a petition for remission. You may file both an ancillary petition with the court and a petition for remission or mitigation.



## Advertisement Certification Report

The Notice of Publication was available on the [www.forfeiture.gov](http://www.forfeiture.gov) web site for at least 18 hours per day between September 7, 2022 and October 06, 2022. Below is a summary report that identifies the uptime for each day within the publication period and reports the results of the web monitoring system's daily check that verifies that the advertisement was available each day.

U.S. v. Xavier Jay Reyes

**Court Case No:** 4:21-CR-00165  
**For Asset ID(s):** See Attached Advertisement Copy

Consecutive Calendar Day Count	Date Advertisement Appeared on the Web Site	Total Hours Web Site was Available during Calendar Day	Verification that Advertisement existed on Web Site
1	09/07/2022	23.9	Verified
2	09/08/2022	23.8	Verified
3	09/09/2022	23.8	Verified
4	09/10/2022	23.8	Verified
5	09/11/2022	23.9	Verified
6	09/12/2022	23.9	Verified
7	09/13/2022	23.8	Verified
8	09/14/2022	23.8	Verified
9	09/15/2022	23.9	Verified
10	09/16/2022	23.8	Verified
11	09/17/2022	23.9	Verified
12	09/18/2022	23.9	Verified
13	09/19/2022	23.8	Verified
14	09/20/2022	23.9	Verified
15	09/21/2022	23.9	Verified
16	09/22/2022	23.9	Verified
17	09/23/2022	24.0	Verified
18	09/24/2022	23.9	Verified
19	09/25/2022	23.9	Verified
20	09/26/2022	23.9	Verified
21	09/27/2022	23.9	Verified
22	09/28/2022	23.8	Verified
23	09/29/2022	23.8	Verified
24	09/30/2022	23.9	Verified
25	10/01/2022	23.9	Verified
26	10/02/2022	23.8	Verified
27	10/03/2022	23.8	Verified
28	10/04/2022	23.9	Verified
29	10/05/2022	23.9	Verified
30	10/06/2022	23.9	Verified

Additional log information is available and kept in the archives for 15 years after the asset has been disposed.